

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

8

TITLE OF CASE		ATTORNEYS					
<p>The Vandever Company, Inc., E. D. Hieronymus, et al.</p> <p>vs.</p> <p>North American Financial Corporation</p>		<p><b>For plaintiff:</b></p> <p>Jones, Givens, Brett, Gotcher &amp; Doyle 4th National Bank Building Tulsa, Oklahoma 74119</p> <p>Bruce H. Harlton, Jr. Beacon Bldg. Tulsa, Oklahoma</p> <p><b>For defendant:</b></p> <p>Boesche, McDermott &amp; Eskridge and Glenn R. Davis &amp; R.B. McDermott 1300 Natl. Bk. of Tulsa Bldg. Tulsa, Okla. 74103</p> <p>John M. Palmer Levitt, Palmer, Bowen, Bearmon &amp; Rotman 520 Roanoke Building Minneapolis, Minnesota 55402</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed 4-1-70	Clerk	3-23-70	Jones	15 00			
		3-26-70	C/D 41		15 00		
		9-1-72	Bruce Harlt.	5 00			
J.S. 6 mailed 12-1-70	Marshal	9-7-72	C.D.No. 11		5 00		
Basis of Action: Declaratory Judgment on a loan cont.	Docket fee						
	Witness fees						
Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-23-70	Complaint, filed. x summons issued x b	
3-30-70	Summons returned and filed - served North American Financial Corporation by handing to John Heim, legal officer authorized to accept service, personally at Plymouth, Minnesota on 3-25-70(Fee \$6.88) b	
4-13-70	Amendment to complaint, filed. b	
4-14-70	Application of defendant for extension of time in which to plead or answer, filed. b	
4-14-70	Order filed, extending time to and including April 29, 1970 for defendant to plead or answer. (MME-Clerk) b	
4-30-70	Answer and counterclaims of the deft. N.A. Financial Corp., filed. m	
5-20-70	Plaintiff's response to counter-claim, filed. g	
6-4-70	Plaintiff's first interrogatories to defendant. filed. v	
6-4-70	Parties to hold pre-trial prior to 7-7-70, and file pre-trial order not later than 7-12-70. (AEB-J)v	
6-9-70	Application for Extension of Time to Answer Interrogatories filed. h	
6-10-70	Order granting deft 20 days from & after June 19, 1970 to file answers to interrogatories propounded by the plaintiffs. filed. v (AEB-J)v	
7-7-70	Application for extension of time to comply with Pre-Trial Order and to answer interrogatories. Deft requests 15 days from and after 7-9-70 filed. v	
7-7-70	Order to grant 15 days from and after July 9, 1970, which to file and serve answers to interrogatories. filed. (AEB-J)v	
7-24-70	Answers of defendant to plaintiff's first set of interrogatories, filed. ds	
8-6-70	Application for extension of time in which to file pre-trial order & Brief in support thereof, filed. v	
8-7-70	Order extending time for pre-trial and filing of pre-trial order until August 13, 1970. filed. (AEB-J)v	
11-12-70	Joint Motion of plaintiffs to dismiss with prejudice filed.h	
11-12-70	Order of Dismissal filed and entered. It is ordered that the settlement agreed upon by the parties for disposition in their joint motion is approved. Further upon the joint motion, all of the claims of the plaintiffs are hereby dismissed with prejudice to future action; and all of the counter-claims of the defendant asserted are dismissed with prejudice to future action upon and respecting the same.(AEB-J)h	
11-19-71	Motion of Applicant, William G. Vandever, to vacate joint motion to dismiss with prejudice, filed. v	
11-19-71	Declaration in support of motion to vacate, filed. (Part of pleading)v	
11-19-71	Ordered by the Court that Defendant is granted 10 days from this date to respond to Plaintiff's Motion to vacate joint motion to dismiss with prejudice. (AEB-J)v (Letters mailed)	
11-22-71	Pltfs' Application for Leave of Court pursuant to Local Rule 13 in connection with Brief attaching Motions, filed. r	
11-24-71	Defts' Motion for Extension of time to respond to Pltfs' Motion to Vacate, filed. r	
11-23-71	Order by the Court that Counsel have additional time and leave in the amount of Ten (10) days to file brief in connection with Motion to Vacate Joint Motion to Dismiss with Prejudice, filed. (AEB-J)v	
11-30-71	Order granting deft. 10 days from 11-29-71 to comply with order of court, filed. (A part of deft's motion of 11-24-71). g (AEB-J)g	
12-6-71	Brief in support of Plaintiff William G. Vandever's Motion to vacate joint motion to dismiss with prejudice, filed. v	

(Continued)

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-7-71	Brief in response to motion to vacate joint motion for dismissal with prejudice, filed. g	
2-15-72	Ordered that Magistrate conduct hearing on Wm. G. Vandever's motion to vacate joint motion to dismiss with prejudice. (AEB-J)hm	
2-15-72	Case called for hearing on above motion. Hearing passed & Mag. will rule summarily. (MLB-Mag)hm	
2-16-72	Recommended that pltf's motion to vacate joint motion to dismiss with prejudice be denied. Deft. to prepare recommendation & order. (MLB-Mag)hm	
2-23-72	Request of Wm. G. Vandever for oral argument on hearing, filed. hm	
4-19-72	Findings and recommendations of magistrate, filed. MLB-Mag. ds copies mailed	
4-19-72	Ordered that Magistrate conduct hearing on pltf's request for oral argument on hearing. (AEB-J)hm	
4-19-72	Case called for hearing on above request. Request denied and findings & recommendations to be filed this date. Pltf. advised to file objections within 10 days if desired. (MLB-Mag)hm	
4-27-72	Order overruling recommendations of U. S. Magistrate, filed. ds (AEB-J)	
4-28-72	Objection of petitioner to F&Rec. of Magistrate, filed. rm -	
4-28-72	Ordered that defendant is granted 10 days in which to respond to pltf.'s Objection to F&R of Magistrate. (AEB-J) rm -ltr. written	
5-25-72	Proposed Findings of Fact in support of motion to vacate dismissal with prejudice filed by Wm. G. Vandever. h	
5-9-72	It is ordered that this case set for hearing before U.S Magistrate on 6-6-72 at 3:30 P.M. for hearing. (MLB-USM)h	
5-26-72	Notice by pltf. to take oral depositions of Thomas Brett, Jack Givens, Samuel P. Daniel, Charles P. Gotwals and Glenn R. Davis, on 5/30/72 at 2 p.m. in Tulsa, filed. rm - deposition subpoenas issued	
5-30-72	Marshal's return of service of five (5) deposition subpoenas, filed. (USM \$10.00)rm	
6-6-72	Deposition of Sam P. Daniel, Jr., on behalf of pltf's., filed. (\$43.50)g	
6-6-72	Case passed from hearing on oral arguments of this date to 6-19-72 at 9:30 a.m. and 6-20-72 at 9:30 a.m. before Mag. (MLB-Mag)hm	
6-12-72	Deposition of Glenn R. Davis, on behalf of pltf's., taken 6/2/72, filed. (F. L. Peterson - CR; Fee pd. by pltf. \$54) rm	
6-12-72	Deposition of Thomas R. Breet, on behalf of pltf. taken on 6/2 & 6/5/72 filed. (F. L. Peterson-CR. Fee \$136.50 pd. by pltf.)rm	
6-15-72	Deposition of Wm. G. Vandever, taken on behalf of pltf., on 6/2/72, in Tulsa, Okla., on agreement of both parties, filed. rm	
6-15-72	Marshal's return of service of eleven (11) civil subpoenas to testify, filed. rm (USM \$25.84)	
6-19-72	3 Marshal's returns of civil subpoenas, filed. (Fees: \$14.32)hm	
6-19-72	Case called for oral arguments on pltf's motion to set aside order of dismissal with prejudice before Magistrate, on June 19, 20 & 21. Motion overruled & deft. counsel to prepare findings & recommendations within 15 days. (MLB-Mag)hm	
6-26-72	Findings and recommendations of magistrate, filed. (MLB-Mag)hm (copies mailed)	
7-5-72	Amended findings and recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
7-6-72	Obj. of pltf. to F&C of Mag. w/brief, filed. rm - copy to Marilyn	
7-6-72	Ordered that defts. are granted 10 days in which to respond to obj. of pltf. (AEB-J)rm - ltr written	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-6-72	Appl. of pltf. for order directing Clerk to deposit previously deposited funds in 90-day U.S. Govt. CDs, filed.rm - copy to Marilyn	
7-11-72	Response to Pltf's Obj. to Magistrate's findings & recommendations, filed. r	
7-14-72	Obj. of pltf. to amended F&R of Mag, w/brief in support thereof, filed.rm	
7-14-72	Ordered that def. granted 10 days in which to respond to pltf. obj. to Amended F&R. (AEB-J)rm - ltr written	
7-18-72	Motion of def. for ext. of time to respond to pltf.'s obj. to amended F&R of Magistrate, w/brief, filed. rm	
7-31-72	Order granting def. to 8/8/72 to respond to pltf.'s obj. to amended F&R.(AEB-J)rm - copies mailed	
8-2-72	Defendant's response to plaintiff's objections to amended findings and recommendations of magistrate, filed. ds	
8-4-72	Deposition of Charles P. Gotwals, Jr. taken on 5/30/72 on behalf of pltf., filed. rm (\$16.50 pd. by pltf.)	
8-4-72	Deposition of Jack R. Givens taken on 5/30/72 on behalf of pltf., filed. rm (\$48 fee pd. by pltf)	
8-7-72	Order overruling the objections of William G. Vandever and sustaining F & R of Mag. as amended and denying the motion to vacate the order of dismissal and strike the motion to vacate joint motion to dismiss with prejudice, filed. (AEB-J)hm (copies mailed)	
9-1-72	Notice of appeal by pltf's., filed. (cpies to USCA, Tom Brett, McDermott, and Palmer.)g	
10-11-72	Bond for costs on appeal (\$250 cash), filed. g	
10-11-72	Partial transcript of proceedings on June 20, 1972, filed. g	
10-11-72	Transcript of proceedings on June 20, 1972, filed. g	
10-11-72	Transcript of proceedings on June 21, 1972, filed. g	
10-11-72	Appeal record(6 vols.) sent to USCA. g	
5-18-73	Reporter's Transcript of Proceedings Had on Nov. 12, 1970, Re: Joint Motion to Dismiss with Prejudice, filed. Taken by Larry E. Marks, CSR. v	
5-21-73	Vol.VII (consisting of above transcript) of appeal record sent to USCA at request of Glenn R. Davis, counsel. g	
10-17-73	Mandate and opinion of USCA affirming judgment of said court, filed and spread of record. rm	
12-3-73	Appeal record (7 vols.) rec'd. from USCA. g	
5 9 74	Order to disburse monies (\$34,705.69) to Wm. G. Vandever, filed. (AEB-J)g	